

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

FRANK MONACO BAZZO,

Plaintiff,

v.

S. GATES,

Defendant.

Case No. 1:21-cv-01343-ADA-CDB (PC)

**ORDER SCHEDULING SETTLEMENT  
CONFERENCE AND SETTING FORTH  
SETTLEMENT CONFERENCE  
PROCEDURES**

**Settlement Conference: 12/1/2023  
10:00 a.m. via Zoom videoconference**

**Confidential Settlement Conference  
Statement Deadline: 11/22/2023**

Plaintiff Frank Monaco Bazzo is a state prisoner proceeding pro se in this civil rights action filed under 42 U.S.C. § 1983. The parties to the action have indicated they wish to participate in an early settlement conference. (Docs. 34 & 37.)

Accordingly, it is hereby **ORDERED** that:

1. A settlement conference is scheduled to occur on Friday, **December 1, 2023 at 10:00 a.m.**, before Magistrate Judge Christopher D. Baker. The conference shall be conducted via Zoom videoconference. Defense counsel shall arrange for Plaintiff's participation. The Zoom settlement conference invitation will be distributed the week prior, or counsel may contact Susan Hall, Courtroom Deputy for Magistrate Baker, at [SHall@caed.uscourts.gov](mailto:SHall@caed.uscourts.gov). Any difficulties concerning Zoom video conference, or

connecting to the Zoom video conference, shall immediately be reported to Susan Hall. The Court will issue a writ of *habeas corpus ad testificandum* to allow for Plaintiff's participation, as appropriate.

2. Each party or a representative with full authority to negotiate and enter into a binding settlement agreement shall participate in the conference. The failure of any counsel, party, or authorized person subject to this order to participate in the conference may result in the imposition of sanctions.
3. Consideration of settlement is a serious matter that requires thorough preparation prior to the settlement conference. Participants in the conference must be prepared to discuss the claims, defenses, and damages.
4. The parties shall engage in informal settlement negotiations as follows:  
No later than **November 3, 2023**, Plaintiff shall submit to Defendant, by mail, a written itemization of damages and a meaningful settlement demand, including a brief explanation of why such settlement is appropriate, which shall not exceed 5 pages.  
No later than **November 13, 2023**, Defendant shall respond, by mail or telephone, with an acceptance of Plaintiff's offer or a meaningful counteroffer, including a brief explanation of why such settlement is appropriate. If settlement is achieved, the parties shall file a Notice of Settlement as required by Local Rule 160.
5. If settlement is not achieved informally, the parties shall submit confidential settlement conference statements no later than **November 22, 2023**. Defendant shall email their statement to [CDBorders@caed.uscourts.gov](mailto:CDBorders@caed.uscourts.gov). Plaintiff shall mail his statement, clearly captioned "Confidential Settlement Conference Statement," to United States District Court, Attn: Magistrate Judge Christopher D. Baker, 510 19th Street, Suite 200, Bakersfield, CA 93301.  
  
Once the parties have submitted their statements, they shall file a "Notice of Submission of Confidential Settlement Conference Statement" with the court. The confidential settlement conference statements themselves **should not be filed** with the

1 court **not served** on the opposing party.

2 6. The confidential settlement conference statements should be no longer than 5 pages in  
3 length and include:

- 4 a. A brief summary of the facts of the case;
- 5 b. A brief summary of the claims and defenses of the case, i.e., the statutory,  
6 constitutional, or other grounds upon which the claims are founded;
- 7 c. A forthright discussion of the strengths and weaknesses of the case and an  
8 evaluation of the likelihood of prevailing on the claims or defenses, from the  
9 party's perspective, and a description of the major issues in dispute;
- 10 d. An estimate of the party's expected costs and time to be expended for further  
11 discovery, pretrial matters, and trial;
- 12 e. A summary of past settlement discussions, including the informal settlement  
13 negotiations required above; a statement of the party's current position on  
14 settlement, **including the amount the party would offer and accept to settle**  
15 (in specific dollar amounts); and a statement of the party's expectations for  
16 settlement discussions;
- 17 f. An estimate of any restitution allocated to Plaintiff, or other financial  
18 obligation assigned to Plaintiff, that would affect the parties' settlement  
19 discussions;
- 20 g. A list of the individuals who will be attending the conference on the party's  
21 behalf, including names and, if appropriate, titles; and,
- 22 h. If a party intends to discuss the settlement of any other actions or claims not  
23 raised in this suit, a brief description of each action or claim, including case  
24 number(s), as applicable.

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1 The Clerk of the Court is directed to additionally serve a courtesy copy of this Order via  
2 email on the Litigation Coordinator at Plaintiff's current facility.

3 IT IS SO ORDERED.

4 Dated: October 20, 2023

  
UNITED STATES MAGISTRATE JUDGE